

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.4630 OF 2005**

Sanjay Rambabu Gupta @
Sarfaraz Shaikh

...Applicant

Vs.

The State of Maharashtra

...Respondent

Shri. K.S.Patil & Mukesh Mule for the Applicant.
Shri. R.Y.Mirza, A.P.P. for the Respondent.

**CORAM : A.S.OKA, J.
DATED : JULY 26, 2005.**

P.C.:

1. Heard Counsel appearing for the Applicant and the learned A.P.P. for the State. This is an Application for bail by the original accused No.8. Apart from claiming bail on merits, a prayer is made for grant of bail on the basis of parity. Parity is claimed on the basis of order passed by the Additional Chief Metropolitan Magistrate on 23rd February, 2005 in favour of accused No.10.

2. After having heard the Advocates appearing for the parties, I find that a case for grant of bail is made out. The order dated 23rd February, 2005 is passed in favour of the co-accused who was also allegedly a receiver of the property subject matter of the offence under section 395 and 397 of the Indian Penal Code.

3. The learned Sessions Judge rejected the Application on the ground that a prima facie nexus is established in between dacoity and the Applicant as he was found in aiding in disposing of the particular

property. Recovery at the instance of the Applicant is of cash and articles totally worth Rs.2,90,000/-. It is brought to my notice that another co-accused Hasmukh L. Shah is also enlarged on bail by the Sessions Court.

4. Considering the nature of allegations against the Applicant and considering the fact that there is no allegation against the Applicant of actual participation of crime under section 395 and 397 of the Indian Penal Code, a case is made out for enlarging the Applicant on bail.

5. Hence, I pass the following order:

: O R D E R :

i) The Applicant shall be enlarged on bail in connection with C.R. No.22 of 2005 of DCB, CID, Unit 1, Mumbai, subject to furnishing a personal bond of Rs.15,000/- with one or two local sureties in the like amount.

ii) The Bail is granted subject to condition that till the conclusion of trial, the Applicant will attend the concerned Police Station from 5.00 p.m. to 7.00 p.m. on every Monday.

iii) The Bail is granted subject to condition that

the Applicant shall not, directly or indirectly, make any inducement or threat to any prosecution witnesses and shall not in any manner tamper with prosecution evidence.

iv) The Applicant shall co-operate with the learned Trial Judge for expeditious disposal of the trial. Any attempt by the Applicant to delay the trial may be a ground for cancellation of bail.

v) Any observation made in this order shall not be construed as any finding or any expression of opinion on the merits of the case at the time of trial.

vi) Application is disposed of in the above terms.

vii) The parties to act upon an authenticated copy of this order.

JUDGE